

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA

Charles McNeil,)	C/A No. 5:12-cv-02880-MGL-KDW
)	
)	
Plaintiff,)	
)	REPORT AND RECOMENDATION
v.)	
)	
)	
Dr. Alewine, Nurse Owens, Nurse A.)	
Brown, et. al.,)	
)	
Defendants.)	
)	
)	

Plaintiff, proceeding pro se and *in forma pauperis*, brought this action alleging violations of his constitutional rights pursuant to 42 U.S.C. § 1983. On January 20, 2014, Defendants J. Glenn Alewine, Gregory S. Washington, Janice Phillips, John B. Tomarchio, John G. Barkley, Percy Jones, Robert M. Stevenson, III, Sharonda L. Sutton, Sherrell A. Orange, Takisha A. Smith, Yvonne S. Munro, Annette W. Brown, Geneva Walters, Tianna Randolph (incorrectly named as Nurse Randall), Chelsea Neal-Johnson, Wanda Brown, Amy Owens, Seraphine U. Niati (incorrectly named as Griati) and Kerry Cloud-Perry filed a Motion for Summary Judgment. ECF No. 164. On January 21, 2014, Defendant Butler also filed a Motion for Summary Judgment. ECF No. 167. As Plaintiff is proceeding pro se, the court entered orders pursuant to *Roseboro v. Garrison*, 528 F.2d 309 (4th Cir. 1975), advising him of the importance of such motions and of the need for him to file adequate responses. ECF No. 165, 168. Plaintiff was specifically advised that if he failed to respond adequately, the Defendants' motions may be granted, thereby ending this case.

Notwithstanding the specific warning and instructions set forth in the court's Roseboro orders, Plaintiff has failed to respond to these motions.

On March 5, 2014, the court ordered Plaintiff to advise whether he wished to continue with the case by March 24, 2013. ECF No. 172. Plaintiff has filed no response. As such, it appears to the court that he does not oppose the Defendants' motions and wishes to abandon this action. Based on the foregoing, the undersigned recommends this action against Defendants J. Glenn Alewine, Gregory S. Washington, Janice Phillips, John B. Tomarchio, John G. Barkley, Percy Jones, Robert M. Stevenson, III, Sharonda L. Sutton, Sherrell A. Orange, Takisha A. Smith, Yvonne S. Munro, Annette W. Brown, Geneva Walters, Tianna Randolph (incorrectly named as Nurse Randall), Chelsea Neal-Johnson, Wanda Brown, Amy Owens, Seraphine U. Niati (incorrectly named as Griati), Kerry Cloud-Perry, and Celestine Butler be dismissed with prejudice for failure to prosecute. *See Davis v. Williams*, 588 F.2d 69, 70 (4th Cir. 1978); Fed. R. Civ. P. 41(b).

IT IS SO RECOMMENDED.



March 27, 2014
Florence, South Carolina

Kaymani D. West
United States Magistrate Judge

**The parties are directed to note the important information in the attached
“Notice of Right to File Objections to Report and Recommendation.”**